

A Resolution

NO. _____

AUTHORIZING THE USE OF STATE ASSET FORFEITURE FUNDS FOR THE PURPOSE OF REIMBURSING CERTAIN LAW ENFORCEMENT EMPLOYEES FOR ELIGIBLE EXPENSES UNDER THE FORT WORTH POLICE DEPARTMENT'S LAW ENFORCEMENT MENTAL HEALTH AND WELLNESS PILOT PROGRAM.

WHEREAS, on January 10, 2023, the Fort Worth City Council approved the appropriation and use of asset forfeiture funds for Fiscal Year 2023 (M&C 22-0039); and

WHEREAS, asset forfeiture funds can only be used by the Fort Worth Police Department (FWPD) to pay for eligible costs that are permissible under the U.S. Department of Justice Guide to Equitable Sharing for State and Local Law Enforcement Agencies and the Texas Code of Criminal Procedure Chapter 59, Forfeiture of Contraband; and

WHEREAS, the City has determined that mental health services and substance abuse counseling and treatment for police officers and telecommunicators (collectively, "law enforcement employees") are an eligible use of asset forfeiture funds; and

WHEREAS, law enforcement employees may currently be required to pay out-of-pocket expenses to receive treatment that has been necessitated by an on-duty incident or an involuntary detention by, or at the direction of, a member of the FWPD Crisis Intervention Team; and

WHEREAS, these expenses, when in excess of all available insurance coverage, can serve as a barrier to law enforcement employees receiving necessary treatment; and

WHEREAS, the City of Fort Worth and its residents have a vested interest in ensuring that law enforcement employees receive the treatment necessary to allow them to continue to provide critical services throughout the City; and

WHEREAS, to address this concern, FWPD desires to create and fund a Law Enforcement Mental Health and Wellness Pilot Program ("Program") using asset forfeiture funds to ensure that eligible medical treatment services are fully covered for law enforcement employees; and

WHEREAS, eligibility for reimbursement under the Program will be determined by a 3-person panel based on the criteria provided below, which is intended to ensure compliance with various state and local requirements:

1. The law enforcement employee seeks treatment for mental health or substance abuse that has been necessitated by, or related to, an on-duty incident(s), or the law enforcement employee has been involuntarily detained by, or at the direction of, a member of Crisis Intervention Team;

2. The cost of treatment from a treatment facility or licensed medical professional that is provided pursuant to paragraph one is in excess of insurance coverage;
3. The law enforcement employee signs a release of information that provides basic updates on attendance, compliance, and follow-up recommendations to the Department's mental health coordinator (similar to those contemplated by the City's Employee Assistance Program);
4. The law enforcement employee acts in accordance with any and all treatment guidelines issued by the treatment facility or licensed medical professional in relation to the treatment sought under paragraph one; and
5. The law enforcement employee is determined fit to return to duty; and

WHEREAS, the disbursement of funds under the Program will not prohibit a law enforcement employee from filing a claim for Worker's Compensation provided that under no circumstances shall a law enforcement employee, treatment facility, or provider be allowed to receive funds from the Program and Worker's Compensation for the same treatment; and

WHEREAS, Texas Code of Criminal Procedure Article 59.06(d-1)(7) requires the City Council to approve use of these funds when it involves any increase to the salary, expenses or an allowance of a law enforcement employee.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS, THAT:

1. The City Council approves the use of asset forfeiture funds for the Police Mental Health and Wellness Pilot Program to cover the cost of certain treatment expenses that are in excess of insurance coverage for law enforcement employees.

ADOPTED THIS ____ day of _____, 2023.

ATTEST:

By: _____
Jannette Goodall, City Secretary